

Application No. 09/631,414
Amendment dated November 3, 2005
Reply to Office Action of August 10, 2005

REMARKS

Status Of Application

Claims 1, 2, 6, 7, 10-16, 19, and 21-23 are pending in the application; the status of the claims is as follows:

Claims 1, 2, 6, 7, 10-16, 19, and 21-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all relevant claims of U.S. Patent Nos. 6,615,291 (the '291 patent) and 6,614,892 (the '892 patent).

Claims 1, 2, 6, 7, 10-16, 19, and 21-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all relevant claims of copending U.S. Application Nos. 09/618,538, 09/626,489, and 11/178,338 (the '538, '489, and '338 applications, respectively).

Claim 23 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. US 2003/107776 A1 to Maeda ("Maeda").

35 U.S.C. § 102(e) Rejection

The rejection of claim 23 under 35 U.S.C. § 102(e) as being anticipated by Maeda, is respectfully traversed based on the following.

As stated in the response to the previous Office Action, claim 23 recites, *inter alia*, "a controller adapted to cause the transmission unit to transmit the plurality of its own address data regardless of which one of the plurality of communication lines is used for transmission." That is, the data communication apparatus transmits all the address data regardless of which communication line is being used for transmission. The statement in the prior response concerning a telephone line and the Internet was merely an example of two communication lines and was not an argument that the claims were limited to such communication lines.

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Maeda discloses a fax device that is capable of connecting to two communication lines: a telephone line and the Internet. However, Maeda discloses that the two lines are to be treated differently. When communication occurs over the telephone line, Maeda discloses that the telephone number and internet address of the transmitting fax machine are sent to the receiving fax machine. See Figs. 10, 11, 14, and 15. However, when communication occurs over the Internet, only Internet e-mail (SMTP) addresses are transmitted. See Figs. 7 and 8. Thus, Maeda fails to disclose "a controller adapted to cause the transmission unit to transmit the plurality of its own address data **regardless** of which one of the plurality of communication lines is used for transmission" as required by claim 23.

Accordingly, it is respectfully requested that the rejection of claim 23 under 35 U.S.C. § 102(e) as being anticipated by Maeda, be reconsidered and withdrawn.

Double Patenting Rejections

The rejection of claims 1, 2, 6, 7, 10-16, 19, and 21-23 under the judicially created doctrine of double patenting over all relevant claims of the '291 patent and the '892 patent, is respectfully traversed based on the following.

The Office Action states at page 2 that "the claims of the patents recite limitations regarding transmitting and receiving plurality of addresses from transmission destinations and storing that information for future use." It is respectfully submitted that this is factually incorrect.

All of the claims of the '291 patent are directed to a DMA controller. For example, independent claims 1, 11, 16, 19, and 24 of the '291 patent are directed to a "DMA controller." On their face, the claims of the present application clearly distinguish the claims of the '291 patent.

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The claims of the '892 patent are directed to a data communication apparatus and methods in which a destination address is selected based on a selected communication line and on the identity of the destination. There are no claim limitations in the claims of the '892 patent, either independent or dependent, that recite the transmission or reception of a plurality of addresses to or from a transmission destination. In contrast, the present claims recite apparatus or method steps for transmitting a plurality of addresses to the transmission destination, receiving a plurality of addresses from the transmission destination, and/or storing the addresses received from the transmission destination. It is respectfully submitted, therefore, that the present claims clearly distinguish the claims of the '892 patent.

Accordingly, the rejection of claims 1, 2, 6, 7, 10-16, 19, and 21-23 under the judicially created doctrine of double patenting over all relevant claims of U.S. Patent No. 6,615,291 and 6,614,892, be reconsidered and withdrawn.

The provisional rejection of claims 1, 2, 6, 7, 10-16, 19, and 21-23 under the judicially created doctrine of double patenting over all claims of copending Application Serial Nos. 09/618,538, 09/626,489 and 11/178,338 is noted. With respect to the '538 and '489 applications, it is respectfully submitted that they have been abandoned. With respect to the '338 application, it is respectfully submitted the claims of the '338 application do not claim "a transmission unit transmitting a plurality of its own address data corresponding to each of the plurality of communications lines to the specified transmission destination" as recited in the subject claims. Therefore, the present claims distinguish the claims of the '338 application.

Accordingly, it is respectfully requested that the rejection of claims 1, 2, 5, 6, 19-16, 19, and 21-23 under the judicially created doctrine of double patenting over all claims of copending Application Serial Nos. 09/618,538, 09/626,489 and 11/178,338, be reconsidered and withdrawn.

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CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

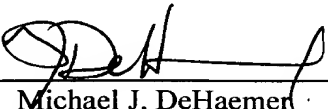
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's
Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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